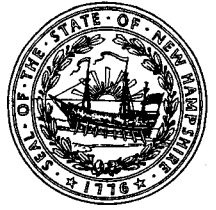




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-42**

August 12, 2004

Roderick D MacAlpine
875 Greenland Rd A-6
Portsmouth, NH 03801

RE: File #2000-02396 Tuftonboro Tax Map 50, Lot 10

Dear Mr. MacAlpine:

On July 29, 2004, personnel from the New Hampshire Department of Environmental Services ("DES") Wetlands Bureau, conducted an field inspection of the above referenced property, identified on Town of Tuftonboro Tax Map 50 as Lot 10 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with Wetlands and Non-Site Specific Permit #2000-2396 (the "Permit"). The Permit authorized the construction of a 44 ft breakwater with a 6 ft gap with a 4 ft x 25 ft cantilevered pier, accessed by a 4 ft x 10 ft walkway, construct a 36 ft x 36 ft dug-in boathouse in accordance with plans by Lakeshore Construction revised March 27, 2001, as received by the Department April 2, 2001 (the "Plans").

The inspection revealed that work on the Property was not conducted in accordance with the Permit. During the inspection the following deficiency was documented:

1. The shoreline was modified for the installation of the beach.
2. A 24 ft 3 in x 19 ft 1 in perched beach was constructed on fill place within the bed of the lake.
3. The retaining wall was repaired.

A subsequent review of DES records indicates that no permits have been issued for alteration of the shoreline for the beach and fill intended for beach construction. In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a shoreland restoration plan, modifying the beach area and shoreline back to its natural state to DES for review and approval. Have the restoration plan prepared by a qualified professional. The plan should be full dimensioned and drawn to scale showing:

Letter of Deficiency WET 2004-42
Page 1 of 1

- a. Existing conditions, with normal high waterline and top of bank identified; and
 - b. Proposed conditions after reestablishing the jurisdictional areas, including:
 1. The complete removal of the perched beach;
 2. The complete restoration of the shoreline and bank.
 - c. A detailed description of the proposed means of erosion control (silt fence, hay bales, turbidity fences etc) and stabilization of the restoration area;
2. Implementation of the restoration plan may only commence after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Darlene Forst,
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0695 2379

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
USACOE